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Attorney for Defendant
CITY OF REDDING; GARRETT MAXWELL AND
MATTHEW BRUCE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VERONICA MCLEOD, individually and
as successor in interest to decedent,
DOLORES HERNANDEZ; AMADO
HERNANADEZ; individually and as
successor in interest to decedent,
DOLORES HERNANDEZ; and YSIDRA
REGALDO, individually,

Plaintiff,

v.

CITY OF REDDING; GARRETT
MAXWELL, an individual; MATTHEW
BRUCE, an individual; and DOES 2-10,
inclusive,

Defendants.

Case No. 2:22-cv-00585-WBS-JDP

**DEFENDANTS' PRETRIAL STATEMENT
PURSUANT TO LR 281**

Hon. William B. Shubb

Pretrial Conference: July 1, 2024
1:30 p.m.

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:**

1. STATEMENT OF THE CASE

Defendants join with plaintiffs statement.

2. JURISDICTION AND VENUE

Defendants join with plaintiffs statement.

1 **3. JURY TRIAL**

2 Defendants demanded a jury trial.

3 **4. UNDISPUTED FACTS**

4 Defendants join with plaintiffs statement.

5 In addition, Defendants propose the following undisputed facts.

- 6 1. Plaintiff was reported to be the cause of a disturbance, and Officers Maxwell and
- 7 Bruce responded to the incident.
- 8 2. Officers Bruce and Corporal Maxwell arrived in marked police vehicles and were in
- 9 the full uniforms of the Redding police department.
- 10 3. The parking lot where the incident occurred between decedent and the officers was
- 11 fully lit.
- 12 4. The officers were directed to decedent by a witness, Jason Schuler.
- 13 5. Officer Bruce first contacted decedent as she was sitting in her parked car a few feet
- 14 from Jason Shuler, as Corporal Maxwell spoke with the witness Jason Shuler.
- 15 6. A witness, Melody Graham, began to film the interactions between officer Bruce and
- 16 decedent, on her cell phone.
- 17 7. As decedent was maneuvering her car from a parking space, she struck Officer Bruce
- 18 causing him to fall and plaintiff drove her car onto his leg.
- 19 8. The officers had no knowledge of plaintiff's mental health history.
- 20 9. The officers were trained to the standards of the Peace Officers Standard and Training
- 21 requirements, and of the Redding Police Department at the time of the incident.

22 **5. DISPUTED FACTUAL ISSUES**

23 Defendants join with plaintiffs statement.

24 **6. DISPUTED EVIDENTIARY ISSUES**

25 Defendants join with plaintiffs' statement and agree there are disputed evidentiary issues
26 that will be addressed in motions in limine. Specifically the admissibility of prior incidents where
27 decedent cause disturbances requiring police interaction and acted aggressively against police
28 officers in the manner she drove her car; a motion in limine to limit testimony of plaintiffs expert

1 Scott Defoe; exclude testimony of decedent mental health issues; limit testimony re prior or post
2 incident shootings by defendant officers; reserve on additional motions as necessary from trial
3 preparation.

4 **7. SPECIAL FACTUAL INFORMATION**

5 Defendants join with plaintiffs statement.

6 **8. RELIEF SOUGHT**

7 Defendants join with plaintiffs statement.

8 **9. POINTS OF LAW**

9 Defendants assert they acted appropriately at all times to the law.

10 Defendants join with plaintiff's statement to the extent it is an accurate recitation of what
11 plaintiffs must do to meet their burden of proof for the allegations of an Unreasonable Detention
12 and Arrest, Battery and Negligence, and the Bane Act.

13 **10. ABANDONED AND PREVIOUSLY DECIDED ISSUES**

14 Defendants join with plaintiffs statement.

15 **11. REMAINING CLAIMS**

16 Defendants join with plaintiffs statement.

17 **12. WITNESS LIST**

- 18 1. Melody Graham
- 19 2. Rick Plummer
- 20 3. Jaason Schuler
- 21 4. Aiden Phillips
- 22 5. Richard Bell
- 23 6. Ryan Hoberg
- 24 7. Jennifer Hoberg
- 25 8. Kyle Cornwall
- 26 9. Sara Shields
- 27 10. Christopher Poulos
- 28 11. Rajiv Kelkar

12. Steve Papenfuhs
13. Zack Lemire
14. Sgt. Matt Purcell
15. Detective C. Doble
16. Officer Adam Thornton
17. Officer K. Schukei
18. Sgt. Hatfield
19. Officer Zavala
20. Officer Cornwell
21. Officer Cheryl Sheppard
22. Officer Amy Rubalcaba

Defendants reserve on calling any witnesses listed in plaintiffs' statement.

13. EXHIBIT LISTS

Defendants adopt plaintiffs exhibit list. In addition, defendants may offer as exhibits the following;

1. Responses to Plaintiffs RFP #1, Bates 380 to Bates 2960 not otherwise identified in the plaintiff exhibit list.
2. Bates 2961, 3D illustration of scene prepared by investigation agencies.
3. Bates 2962-299 supplemental responses to plaintiff's RFP #1 not otherwise identified in plaintiff's exhibit list.
4. Bates 2995 – 3003 Officer Bruce training file
5. Bates 3004 - Ryan Hoberg video interview
6. Bates 3005-3018 Sutter S.O. reports involving decedent.
7. Bates 3041-3048 Yuba City police reports involving decedent.
8. Bates 3049-3056 Colusa S.O. reports involving decedent.
9. Bates 3057-3119 Officer Bruce Medical records.

14. DISCOVERY DOCUMENTS TO BE OFFERED AT TRIAL

Defendants may make a motion to the court to offer witness testimony by deposition or

video if witnesses should be unavailable after subpoena.

15. NON-DISCOVERY MOTIONS

Defendants join with plaintiffs' statement.

16. FURTHER DISCOVERY OR MOTIONS

None

17. STIPULATIONS

Defendants stipulate to the undisputed facts proposed by plaintiff. Defendants will meet and confer with plaintiffs to determine what other undisputed facts may be stipulated to before trial.

18. AMENDMENTS – DISMISSALS

N/A

19. SETTLEMENT NEGOTIATIONS

Defendants join with plaintiffs statement.

20. AGREED STATEMENTS

Defendants join with plaintiffs statement.

21. SEPARATE TRIAL OF ISSUES

Defendants join with plaintiffs statement.

22. IMPARTIAL EXPERTS – LIMITATIONS OF EXPERTS

Defendants join with plaintiffs statement.

23. ATTORNEYS' FEES

Defendants reserve the right to file a motion for attorney fees if successful in trial.

24. TRIAL EXHIBITS

Defendants join with plaintiffs statement.

25. TRIAL PROTECTIVE ORDER

Defendants join with plaintiffs statement.

26. ESTIMATED TRIAL DAYS

Defendants join with plaintiffs statement.

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1 **27. MISCELLANEOUS**

2 Defendants join with plaintiffs statement.

3
4 Respectfully submitted,

5 Dated: June 24, 2024

6 ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

7 By: /s/ Dale L. Allen
8 DALE L. ALLEN, JR
9 AMEET D. PATEL
Attorneys for Defendants
10 CITY OF REDDING; GARRETT
11 MAXWELL AND MATTHEW BRUCE
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